IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20241 of 2004

Between:

Pilla Surya Janardhana Rao, s/o late Paramatayya Naidu,
r/o Visakhapatnam, Ravulapalem, Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Land Acquisition Officer & Spl.Dy.Collector (L.A), S.E.Z.Unit-II, Visakhapatnam.
3 The Sub Collector, Narsipatnam, Visakhapatnam District.
4 The Mandal Revenue Officer, Rambilli Mandal, Rambilli, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the Draft Declaration in Rc.No.3656/2002 dated 04-09-2002 and published in daily News Paper dated 22-09-2002 for acquisition of lands admeasuring Ac.37.34 cents in Sy.No.15/1 to 30 situated at Lalamkoduru Village, Rambilli Mandal, Visakhapatnam District, as illegal, arbitrary and contrary to law and consequently set aside the same.

Counsel for the Petitioner : MR.J.KANAKAIAH

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court, at the stage of admission, made the following :

ORDER:

The petitioner, who claims to be the absolute owner and possessor of the land ad-measuring Ac.28-00, situated in Sy.No.15 of Lalamkoduru village of Rambilli Mandalam, Visakhapatnam District, which was purchased under a registered sale deed, dated 03-01-1972, filed the present writ petition questioning the draft declaration, dated 04-09-2002, issued under Section 6 of the Land Acquisition Act (for short "the Act"), for acquisition of the land belonging to him. The petitioner further contended that though he is the original owner of the land, his vendor's name was shown as pattedar in the draft notification, which was issued proposing to acquire his land, and on coming to know about the acquisition of the said land, he made a claim before the 2nd respondent for payment of compensation in his favour since he is the original owner of the land. When the 2nd respondent had informed him that there were some other persons claiming to be the enjoyers of the above said land, the petitioner got issued a legal notice to him. Pursuant to the same, the 2nd respondent issued notice under Section 9 (3) and 10 of the Act, dated 13-10-2003. In reply to the said notice, the petitioner made a representation to the 2nd respondent, dated 03-11-2003. However, without considering his representation and objections, the 2nd respondent is making arrangements for paying the compensation to some other third parties.

Whenever there is a dispute with regard to title and payment of compensation, the Land Acquisition Officer has to follow the due procedure contemplated either under Section 30 or 31 of the Act by referring the matter to the Civil Court for proper adjudication or can adjudicate the same as held by this Court in ***G. Venkat Reddy V. K.Krishna Rao.*** Once the Land Acquisition Officer decides the title, it is left open to the claimant to establish his claims and contentions by way of a separate suit or can seek reference under Section 18 of the Act, if he so chooses.

Once there is a dispute with regard to the title and payment of compensation, on passing award, what all the Land Acquisition Officer has to do is that, he can withheld the payment of the amount and communicate a copy of the award to the persons and disburse the amount of compensation, if there is no request made by

either of the parties seeking reference under Section 18 of the Act to a Civil Court, and he can pay the same after expiry of the period for making such reference, as held by this Court in ***Shyam Rao V. Land Acquisition Officer***.

In view of the above circumstances, the respondent-Land Acquisition Officer is directed to consider the claim petition and objections stated to have been filed by the petitioner, and after affording reasonable opportunity to the petitioner, pass appropriate orders in accordance with law, and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

04-11-2004

GJ

To

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Land Acquisition Officer & Spl.Dy.Collector (L.A), S.E.Z.Unit-II, Visakhapatnam.
3 The Sub Collector, Narsipatnam, Visakhapatnam District.
4 The Mandal Revenue Officer, Rambilli Mandal, Rambilli, Visakhapatnam District.

5 Two C.Cs. to the Government Pleader for Land Acquisition, High Court of A.P., Hyderabad.(OUT)

6 Two C.D. copies.